

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

NORFOLK SOUTHERN RAILWAY COMPANY,)	CASE NO: 1:08-CV-02758
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	CONSENT JUDGMENT ENTRY
)	
THE HONKER COMPANY,)	
)	
Defendant.)	

Plaintiff, Norfolk Southern Railway Company (“Norfolk Southern”), and Defendant, The Honker Company, hereby enter into a Stipulation of Settlement, and for the Entry of Judgment by Consent state as follows:

WHEREAS, The Honker Company has failed to pay Norfolk Southern the sum of \$94,781.91 in freight charges, \$98,640.00 in demurrage charges, and \$3,635.06 in finance charges as set forth in Counts One, Two and Three of Norfolk Southern’s Complaint;

WHEREAS, Norfolk Southern and The Honker Company desire to amicably resolve the controversy without further judicial proceeding.

NOW THEREFORE, IT IS HEREBY STIPULATED by the parties that a judgment by

consent be entered by the court as follows:

On Counts One, Two, and Three of Norfolk Southern's Complaint a judgment in favor of Norfolk Southern and against The Honker Company in the sum of \$197,056.97 plus interest running from the date on which each obligation became due and owing, \$48,304.52 due on July 15, 2008; \$46,477.39 due on July 31, 2008; \$6,420.00 due on August 13, 2008; \$12,720.00 due on September 11, 2008; \$79,500.00 due on September 16, 2008; \$916.04 due on July 2, 2008; \$1,278.10 due on August 4, 2008; and \$1,440.92 due on September 2, 2008.

IT IS SO ORDERED.

s/Christopher A. Boyko
JUDGE

August 4, 2009

APPROVED:

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